

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LEROY HAYES,

Plaintiff,

-against-

CITY OF NEW YORK; MARTIN HORN;  
CAROLYN THOMAS; WARDENS MICHAEL  
HOURIHANE, WILLIAM THOMAS, ROBERT  
SHAW AND FRANK SQUILLANTE;  
ASSISTANT DEPUTY WARDEN JOHN  
MURDOCH; CAPTAINS EDWIN CABAN,  
NELSON AND SPEARS; OFFICERS ROBERT  
ANTHONY, CHAPMAN, DAVIS, LYNCH,  
RAVEN, JOSE RIVERA, RODRIGUEZ, JOHN  
DOES 1 AND 2 AND JANE DOE; ESU  
CAPTAIN DOES 1 AND 2; ESU OFFICERS  
GATTO AND VALENTIN; AND ESU OFFICER  
DOES 1-18,

Defendants.

**AFFIDAVIT OF SERVICE**

07 Civ. 9807

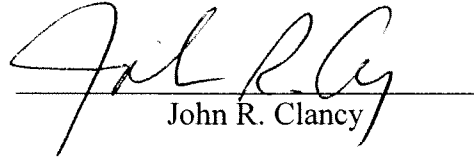
I John Clancy, being duly sworn, depose and say that I am over the age of eighteen years, not a party to this action, and am in the employ of Hughes Hubbard & Reed, LLP.

That on November 29, 2007 at 11:50 am, deponent served true copies of the **SUMMONS IN A CIVIL CASE, COMPLAINT, INDIVIDUAL RULES OF THE HONORABLE ALVIN K. HELLERSTEIN, INDIVIDUAL PRACTICES OF MAGISTRATE JUDGE ANDREW J. PECK, PROCEDURES FOR ELECTRONIC CASE FILING, 3<sup>RD</sup> AMENDED INSTRUCTIONS FOR FILING ELECTRONIC CASE OR APPEAL, PRESS RELEASE OF JUNE 1, 2004, STANDING ORDER OF DECEMBER 18, 2002** by hand upon:

Warden Michael Hourihane  
Department of Corrections  
60 Hudson Street  
New York, New York, 10013

By personally leaving true copies to and leaving them with Officer Bartley who stated that she was authorized to accept service on behalf of Warden Michael Hourihane.

Officer Bartley can be described as a black female, approximately 30 years of age, approximately 5'6" and 145 pounds with black hair.

  
John R. Clancy

Sworn to before me this  
3rd day of December 2007

  
Notary Public

PATRICIA E. SMITH  
Notary Public, State of New York  
No. 1SM4796951  
Qualified in Richmond County  
Certificate Filed in New York County//  
Commission Expires March 30, 2011